

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SAMUEL RASHEEN RAYMOND TOLIVER,

Plaintiff,
-v-
9:18-CV-1420
(DNH/ATB)

K. ADNER, Mail Postal Corr. Carrier,

Defendant.

APPEARANCES:

SAMUEL RASHEEN RAYMOND TOLIVER
Plaintiff pro se
09-B-2037
Gouverneur Correctional Facility
Scotch Settlement Road
P.O. Box 480
Gouverneur, NY 13642

HON. LETITIA JAMES
Attorney General for the State of New York
Attorney for Defendant
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

NICHOLAS LUKE ZAPP, ESQ.
Ass't Attorney General

DECISION and ORDER

Pro se plaintiff Samuel Rasheen Raymond Toliver brought this civil rights action pursuant to 42 U.S.C. § 1983. On June 3, 2019, Magistrate Judge Andrew T. Baxter advised by Report-Recommendation that defendant's motion to dismiss be granted and that the action be dismissed in its entirety, with prejudice, for failure to exhaust administrative

remedies. Plaintiff timely filed objections to the Report-Recommendation.

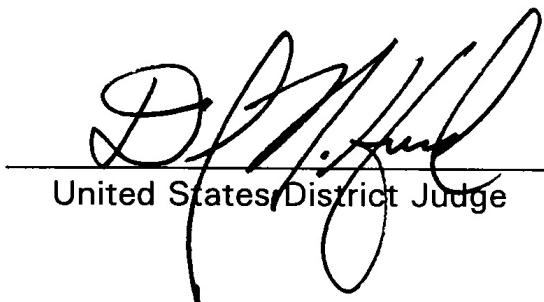
Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendant's motion to dismiss is GRANTED;
2. Plaintiff's Complaint is DISMISSED WITH PREJUDICE; and
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.



A handwritten signature in black ink, appearing to read "D. J. Flynn", is positioned above a horizontal line. Below the line, the text "United States District Judge" is printed in a standard font.

Dated: August 1, 2019
Utica, New York.